



Entered on Docket
June 18, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Case No. BK-S-06-10725-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Order Sustaining First Omnibus
Objection Of USACM Liquidating
Trust To Proofs Of Claim Based In
Part Upon Investment In The
Gramercy Court Loan**

Hearing Date: June 15, 2010
Hearing Time: 9:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment In The Gramercy Court Loan" [DE 8052] (the "Objection"); the Court having heard the Objection on June 15, 2010; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

1 **IT IS ORDERED** that:

2 1. The Objection [DE 8052] is sustained;

3 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
4 claims are based upon an investment in the Gramercy Court Loan for the reasons set forth
5 in the objection.

6 3. The claims listed on **Exhibit A** are not affected by this order to the extent
7 they are based upon an investment in another loan.

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By/s/ Robert M. Charles, Jr. (# 6593)

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ Robert M. Charles, Jr.
Attorneys for USACM Liquidating Trust

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Exhibit A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Gramercy Court Condos Loan
10725-01904	Alves Family Trust Dtd 10/27/89	Arnold R & Agnes J Alves Ttees 9904 Villa Granito LN Granite Bay, CA 95746-6481	303,616.62	50,000.00
10725-02301	Anderson Fmly Trust Dtd 7/21/92	Gary B & Barbara L Anderson Ttee Po Box 699 Carnelian Bay, CA 96104	1,000,000.00	125,000.00
10725-01962	Apigian Jt Ten, Larry & Leona	172 Woodland Rd Goldendale, WA 98620	356,300.72	50,000.00
10725-02025	Apigian, Larry & Leona	172 Woodland Rd Goldendale, WA 98620-2613	Unknown	Unknown
10725-02227	Barzan, Richard D & Lelia J	7231 Langworth Rd Oakdale, CA 95361	1,325,629.78	200,000.00
10725-02431	Brines Revoc Fam Trust Dtd 11/5/94, Michael & Cindy	Michael R & Cindy G Brines Ttees 4935 El Sereno Ave La Crescenta, CA 91214-3018	771,119.58	50,000.00
10725-01233	Casey Family Trust	C/O Richard F & Kathryn A Casey Ttees Po Box 1578 Los Gatos, CA 95031- 1578	150,000.00	50,000.00
10725-02113	Charles B Dunn Iv Trust Dtd 8/12/05	C/O Charles B Dunn Iv Trustee 17042 Norlene Way Grass Valley, CA 95949-7161	690,996.08	50,000.00
10725-01437	Clawiter Associates Llc	1620 Colchester St Danville, CA 94506	225,000.00	50,000.00
10725-02038	Collins Family Trust Dated 1/29/93	C/O Shirley M Collins Trustee 1975 Snowberry Ct Carlsbad, CA 92009- 8408	1,760,380.48	100,000.00